

AMENDMENTS TO THE DRAWINGS

The attached sheets include changes to Figs 22 and 23. These sheets replace the original sheets including Figs. 22 and 23.

Attachment: Replacement Sheet(s)

*REMARKS/ARGUMENTS**Discussion of Amendments*

Claims 1, 14, 25, 40, 52, and 66 are amended to incorporate all elements of claim 83, to facilitate rejoinder in the event that claim 83 is allowable.

Claims 85 and 86 are amended to indicate that the source of PP is a protein consisting essentially of either SEQ ID NO:1 or SEQ ID NO:2. This amendment is supported in the specification (e.g., paragraphs [0048] and [0085] of the published application (2007-0087959)).

New claims 99-104 are supported in the specification, for example in paragraph [0048] of the published application.

The specification is amended to add language cross-referencing related applications at page 1 and to add SEQ ID NOs to the sequences in table 1, page 31. Furthermore, a substitute Sequence Listing is provided that includes these sequences.

Figures 22 and 23 are amended by providing higher-quality figures.

No new matter is added by way of these amendments.

Discussion of Restriction-Election

The Office Action reiterates the requirement for election and indicates that claims 85 and 86 with respect to SEQ ID NOs: 1 and 2 are under examination (Office Action, sections 2-3). The Office Action states that claims 1-84 and 87-98 are withdrawn (Office Action, section 4).

Previously, the Office indicated that claims 83-84 and 93-98 are linking claims with respect to Groups VII and VIII (Office Action of April 28, 2008). Presently, these claims have been withdrawn from consideration. Applicants respectfully request reconsideration of the withdrawal of these claims. To this end, MPEP 809 specifically states "linking claims must be examined with, and thus are considered part of, the invention elected." Thus, Applicants respectfully urge that these linking claims should not be regarded as withdrawn and must be examined.

Discussion of Objections to the Specification

The Office Action asks for the specification to be amended to include a cross-reference to related applications (Office Action, section 5). Accordingly, appropriate language is added by amendment to page 1 of the specification, as indicated above at page 2 of this paper.

The Office Action objects to Table 1 at page 31 of the specification and requires SEQ ID NOs to be assigned to the DNA sequences disclosed therein (Office Action, section 8). Accordingly, as indicated above at pages 2 and 3 of this paper, the specification is amended to include reference to SEQ ID NOs:14-43. Moreover, a substitute Sequence Listing is provided herewith in both computer-readable and paper forms. The undersigned states that the contents of the paper and computer readable forms are identical and contain no new matter. The Office is directed to amend the specification to include the contents of the substitute sequence listing.

In light of the amendments to pages 1 and 31 of the specification, and the substitute Sequence Listing, Applicants respectfully request the objections to the specification be withdrawn.

Discussion of Objections to the Drawings

The Office Action objects to Figures 22 and 23 as being of insufficient quality. The Office is requested to approve the accompanying replacement drawings and to withdraw the objection.

Discussion of Indefiniteness Rejection

The Office Action rejects claims 1 and 2 as allegedly being indefinite (Office Action, section 10). Applicants believe that the Office intended to apply the rejection to claims 85 and 86, given that claims 1 and 2 are withdrawn. Accordingly, Applicants' response treats the rejection as applying to claims 85 and 86.

Applicants do not concede that the language concerning derivatives and fragments in claims 85-86 is indefinite. Substantial guidance is presented in the specification (e.g., paragraphs [0048]-[0049] of the published application and references cited therein). Nevertheless, to advance prosecution, claims 85 and 86 have been amended to remove the offending language. In light of the amendment of claims 85 and 86, the basis for the indefiniteness rejection is moot. Applicants, thus, respectfully request withdrawal of the indefiniteness rejection.

Discussion of Anticipation Rejection

The Office Action rejects claim 85 under 35 U.S.C. § 102(e) in light of U.S. Patent 7,396,644 (Kong et al.). The Office Action indicates that Kong et al. disclose a sequence which is only 68.2% identical to SEQ ID NO:1, which is recited in claim 85. The Office does not explain, however, how this protein is a fragment or derivative of SEQ ID NO:1, and Applicants respectfully urge that Kong et al. does not anticipate claim 85 as originally filed or any other claims pending in the application. Moreover, claim 85 has been amended to recite a protein having a sequence consisting essentially of SEQ ID NO:1. Applicants request reconsideration and withdrawal of the rejection.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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Date: November 17, 2008

Appendix

Replacement Figures 22 and 23